

### **REMARKS / ARGUMENTS**

In response to the Office Action mailed July 21, 2008, the Examiner's claim rejections have been considered. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

#### **1. Claim Objections**

The Examiner has objected to claim 17 because the term "identified" was misspelled. Claim 17 is accordingly being amended for clarity and request withdrawal of the objection.

#### **2. Claim Rejections – 35 U.S.C. § 103(a)**

The Examiner has rejected claims 17 – 25 under 35 U.S.C. § 103(a) as being unpatentable over Burnett (U.S. Patent Application Publication No. 20020087408).

In response, claim 17 is being amended. Support for the new features of claim 17 can be found in the specification and claims as originally filed, especially in claim 21 and last part of paragraph [0006]. No new matter is being added.

The claimed invention finds and avoid products that cause health problems. In particular, products that cause allergic reactions can be identified. By this identification the user can be protected.

Applicant respectfully submits that the presently claimed invention would not have been obvious over the prior art generally and would not have been obvious over the specific prior art of record.

In order to further advance prosecution of this application, Applicant notes at least the following distinctions of the presently submitted claims over the reference.

Burnett discloses the search for a shop that offers a product which has been selected by a user using a mobile device. In Burnett the user is not located in front of the product to determine the ingredients of the product and to avoid an allergic reaction caused by the product. Further Burnett does not disclose a barcode reader or another reader like RFID to read the product identification from the product. A barcode reader would also make no sense with respect to

Burnett since the user searches a shop where he can find the product. If he is already in front of the product he does not need to search the shop, since he is already in the shop and has located the product.

Burnett allows a user to locate products in a shop within a boundary determined by the distance value of the preferred geographical location. The user can enter a product identifier through a keyboard to determine the product he is searching for. Furthermore his actual position is located and also used as search criteria to conduct the final search. In [0142]-[0144] Burnett discloses the data input to define the product which has to be search. Burnett offers predefined picker-lists the user can select, which can be determined by previous product selection. It is not disclosed that the product ID is entered by a barcode reader or a similar unit. In [0177] Burnett describes that the Product table consist of unique product identifier, and other identifier which allow to uniquely determining the product. The paragraphs [0148]-[0151] describe how additional criteria can be entered to narrow the search. These criteria have to be typed in by the user, to finally find the correct product he is searching for, since the user does not have the unique product id. In the claims of the application the user enters a unique product ID and gets information about the product. The user is not searching the location or the shop for the product. In [408-411] Burnett discloses user profiles containing the address locations. This profile can be used to geographically locate the nearest shop or other locations if the mobile device of the user has no GPS functionality. The profile is not used to exclude products as claimed in the filed application. The profile does not offer to enter restriction criteria since it is only focused on geographical aspects.

Accordingly, Burnett does not anticipate the claimed invention of claim 17 and Applicant respectfully requests withdrawal of the rejection.

Further, Applicant notes that claims 18 – 20 and 22 – 25 are dependent claims that depend from independent claim 17. In light of the arguments submitted above, Applicant respectfully submits that dependent claims 18 – 20 and 22 – 25 are not obvious in view of Burnett because this reference fails to teach or suggest all the claimed limitations. Moreover, these dependent claims further recite and define the claimed invention, and thus, are independently patentable.

**CONCLUSION**

Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of all claims is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge any additional required fees from Deposit Account No. 503557, Deposit Account Name NIXON PEABODY LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (650) 320-7754.

Respectfully submitted,

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